

Serial No. 10/055,194
Amdt. dated May 20, 2004

Attorney Docket No. PF02194NA

REMARKS/ARGUMENTS

Claims 1 through 35 remain in this application. New claims 33 through 35 have been added, and claims 1, 4, 5, 9, 13, 14, 17, 19, 22, 25 and 26 have been amended.

Claims 1 through 30 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,301,609 to Aravamudan, et al. ("Aravamudan, et al. patent").

Claim 1 as amended provides, *inter alia*, gathering device operating information including resource information associated with the first device and transmitting the device operating information to a second device, and claims 9 and 22 as amended provide, *inter alia*, similar language. Likewise, claim 17 as amended provides, *inter alia*, gathering device operating information including resource information associated with the first device and generating on the second device an indication to the user of the second device based on the device operating information associated with the first device. In contrast, the Aravamudan, et al. patent does not describe or suggest gathering and transmitting *resource information* as required by amended claims 1, 9 and 22, and the Aravamudan, et al. patent does not describe or suggest gathering *resource information* and generating an indication as required by amended claim 17. Therefore, amended claims 1, 9, 17 and 22 distinguish patentably from the Aravamudan, et al. patent.

Claims 2 through 8, 10 through 16, 18 through 21 and 23 through 32 depend from and include all limitations of independent claims 1, 9, 17 and 22 as amended. Therefore, claims 2 through 8, 10 through 16, 18 through 21 and 23 through 32 distinguish patentably from the Aravamudan, et al. patent for the reasons stated above for independent claims 1, 9, 17 and 22.

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Claims 5, 14, 19 and 26 further distinguish from the Aravamudan, et al. patent. In particular, claims 5, 14, 19 and 26 provide that the resource information is associated with at least one of bandwidth, display capability, input capability, link type, link cost, device type, latency and power of the first device. The Aravamudan, et al. patent does not describe or suggest gathering and transmitting *these types of resource information* as required by amended claims 5, 14 and 26, and the Aravamudan, et al. patent does not describe or suggest gathering *these types of resource information* and generating an indication as required by amended claim 19.

In view of the above, reconsideration and withdrawal of the rejection of claims 1 through 32 are respectfully requested.

New claims 33 through 35 are presented to more completely cover certain aspects of the Applicants' network and method. In particular, claims 33 through 35 provide for gathering operating mode information associated with the first device in which the operating mode includes a private mode and/or a call mode. Support for the above recitation is provided at page 8, lines 13 through 23, of the specification. Allowance of new claims 33 through 35 is believed warranted.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

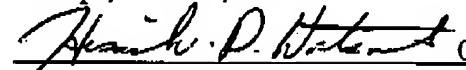
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The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
Phillips, Garland, et al.

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